

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PACER FEE EXEMPTIONS for
DUQUESNE UNIVERSITY
PRACTITIONER IN RESIDENCE AND
DUQUESNE UNIVERSITY STUDENTS
Journalism 471, Spring Semester 2024

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Misc. No. 09-239

ORDER

This matter is before the Court upon the applications of:

1. Paula Reed Ward, solely in her capacity as a Practitioner in Residence at Duquesne University (“DU Practitioner Ward”), for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts in connection with teaching the undergraduate class *Investigative Reporting* (JOUR 471) at Duquesne University during the Spring 2024 semester (the “DU Class”) (ECF No. 119); and
2. The following individuals, solely in their capacities as Duquesne University students enrolled in the DU Class, for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts: (a) Megan Trotter (ECF No. 120); (b) Naomi Girson (ECF No. 121); (c) Delancey Walton (ECF No. 122); (d) Camille Agie (ECF No. 123); (e) Rebecca Donnelly (ECF No. 124); (f) Adam Linder (ECF

No. 125); (g) Zakiya Moses (ECF No. 126); (h) Eliyahu Gasson (ECF No. 127); (i) Emily Ambery (ECF No. 128); (j) Giona Ciacco (ECF No. 129); (k) Antonio Epps (ECF No. 130); (l) Spencer Thomas (ECF No. 131) (the “DU Students”).

This Court finds that DU Practitioner Ward and each of the DU Students are individual researchers associated with an educational institution and, therefore, fall within the class of users listed in the fee schedule as being eligible for a fee exemption. Additionally, DU Practitioner Ward and each of the DU Students have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, DU Practitioner Ward and each of the DU Students shall be exempt from the payment of fees for access via the Public Access to Court Electronic Records system (the “PACER System”) to the electronic case files maintained by this Court, but only to the extent such use is incurred in the course of the scholarly research project for the DU Class that is described in the each of the Applications for exemption from the Judicial Conference’s Electronic Public Access Fees in the United States District Court for the Western District of Pennsylvania (the “Applications”) (ECF Nos. 119-131). The Court finds that the research project for the DU Class that is described in the Applications is intended solely for scholarly research and is limited in scope in that the amount of exempt access requested is narrowly tailored to meet the project’s needs.

DU Practitioner Ward and each of the DU Students shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in this Court and are responsible for taking any and all necessary steps to ensure that payment is made for any use of the PACER System that is unrelated to the research project for the DU Class that is described in the Applications. This exemption only applies to the payment of fees for access via the PACER System to the electronic case files maintained by this Court and does not apply to the payment of fees for access to the electronic case files for any other court selected by DU Practitioner Ward or any DU Student in the Applications. Additionally, the following limitations apply:

- 1) This fee exemption applies only to DU Practitioner Ward and each DU Student and is valid only for the scholarly research project described in the Applications;
- 2) This fee exemption applies only to the electronic case files of this Court that are available through the PACER System;
- 3) By accepting this exemption, DU Practitioner Ward and each DU Student agree not to sell for profit any data obtained as a result of receiving this exemption;
- 4) DU Practitioner Ward and each DU Student are prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via Internet based databases. This prohibition does not prevent DU Practitioner Ward or any DU Student from relying upon the data obtained as a result of receiving this exemption in or in connection

with any report, paper, article, presentation, or other deliverable associated with the scholarly research project for the DU Class that is described in the Applications;

5) This exemption is valid until May 10, 2024.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court of the United States District Court for the Western District of Pennsylvania, or her designee, may periodically review activity in the exempt PACER System account(s) of DU Practitioner Ward or any DU Student during the term of this exemption.

Dated: February 12, 2024

BY THE COURT:

/s/ Mark R. Hornak

Mark R. Hornak
Chief United States District Judge

cc: DU Practitioner Ward *(via email)*
DU Students *(via email)*